

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

JUAN MEDRANO-BAEZ

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)
) **CRIMINAL NO.**
) **04-10228 – RGS**
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**DEFENDANT JUAN MEDRANO-BAEZ’S MOTION FOR AN
ORDER, PURSUANT TO 18 U.S.C. §§ 4241(b) AND 4247, FOR A
PSYCHIATRIC EVALUATION AT A SUITABLE FACILITY
DESIGNATED BY THE BUREAU OF PRISONS**

On November 3, 2004, the defendant, Juan Medrano-Baez (“Medrano”), moved that the court (1) order a pre-plea pre-sentence report and (2) authorize a psychiatric examination at government expense. On November 12, 2004 the court entered an order allowing the motion in its entirety.

In connection with the authorization for a “psychiatric examination at government expense,” neither Medrano’s November 3rd motion nor the court’s November 12th allowance referenced either 18 U.S.C. § 4241 or any other of the series of provisions covering “offenders with mental disease or defect” – 18 U.S.C. §§ 4241 through 4247. Although the defendant takes the position that the court’s authority to order a psychiatric evaluation is not limited to the authority provided under 18 U.S.C. §§ 4241 through 4247,¹ because there is reason to believe that the defendant may be suffering

¹ Section 4241 of Title 18, which is geared toward a determination of mental competency to stand trial, appears to be the only statutory authority for a defense motion for the

from a mental disease or defect rendering him incompetent to stand trial or to enter a guilty plea, the defendant, the government, and the United States Probation Office for the District of Massachusetts agree that an order pursuant to 18 U.S.C. §§ 4241 and 4247 is appropriate in this case.

Accordingly, without opposition from the government and with the support of the Probation Department,² the defendant moves for an order in the form attached hereto.

By his attorney,

s/ Michael J. Liston

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Dated: December 21, 2004

psychiatric evaluation of a defendant who has not been found guilty and/or is not currently serving a sentence.

² In connection with preparation of the pre-plea pre-sentence report, on December 8, 2004, United States Probation Officer Stephanie Henshaw began to interview the defendant. After being advised of the defendant's current medications and of the hallucinations for which the medications were prescribed, Probation Officer Henshaw determined that the rest of her interview should follow the expected psychiatric evaluation. Ms. Henshaw, however, did obtain releases from the defendant for medical records and has already received some such records. The proposed Order attached hereto includes the court's authorization for the Probation Office to transmit what medical records it receives to the appropriate official at the mental health facility designated by the Bureau of Prisons.